



## **BURNTWOOD TOWN COUNCIL**

### **BURNTWOOD CEMETERY**

### **RULES AND REGULATIONS**

In these Rules

- 'The Council' means the Burntwood Town Council.
- 'Cemetery' means Burntwood Cemetery situated on St Matthews Road, Burntwood, Staffordshire.
- 'Grave' means a burial place formed in the ground by excavation and without any internal wall or brickwork or stonework or any other artificial lining.
- 'Private Grave' means a grave in respect of which the Council, by Deed of Grant relating thereto, confers an exclusive right of burial therein.
- 'Resident' means a person who was at the time of his or her decease a resident within the Burntwood Town Council boundaries or whose last normal place of residence before confinement elsewhere due to ill health or age was within Burntwood Town Council boundaries.

#### **1. General Arrangement of the Cemetery**

Burntwood Cemetery is designated as a "Lawned Cemetery" with concrete plinths to which memorials may be fitted. Private Graves may only be excavated at right angles to the concrete plinth.

#### **2. Management and Maintenance**

The management of the Cemetery will be undertaken by the Council and will include the maintenance of all lawns, trees and shrubs. No person or persons other than the Council and persons acting under its authority shall have any right to take or to prohibit any action in relation to the Cemetery or to any grave, grave space, therein, except insofar as they may possess such right by law, by virtue of any Deed of Grant or Agreement made by or with the Council, or under the provisions of the Council's Rules for the time being in force relating to the Cemetery. The Council reserves the right to alter or discontinue its management and maintenance of the Cemetery as it may think fit from time to time; it also reserves the right to decline, at its absolute discretion, to grant rights of burial whenever it may think it proper to do so.

The Council reserves the right, after reasonable notice to the persons concerned and failure on its part to take any necessary action, to remove or alter any works or other things which may be infringements of these Rules or which may, in its opinion, be in a state of disrepair or to have become unsightly. The Council also reserves the right to exclude the public or any person or persons from the Cemetery whenever it may consider this to be reasonable and proper. The Council will exercise proper care in its maintenance operations but will not accept responsibility for any damage which these operations may cause.

### **3. Rights of Burial – Exercise of Rights**

- 3.1 No body interment or cremated human remains interment shall take place, no cremated human remains shall be scattered and no memorial shall be placed in, removed from or altered in the Cemetery without the permission of the Council's Proper Officer.
- 3.2 No body shall be buried in a grave in such a manner that any part of the coffin is less than 90cm (3 feet) below the level of any ground adjoining the grave.

The burial authority may, where they consider the soil to be of suitable character, permit a coffin made of perishable materials to be placed not less than 60cm (2 feet) below the level of any ground adjoining the grave.

- 3.2 No body shall be buried in a grave unless the coffin is effectively separated from any coffin interred in the grave on a previous occasion by means of a layer of earth not less than 15cm (6 inches) thick.
- 3.4. When any grave is reopened for the purpose of making another burial therein, no person shall disturb any human remains interred therein or remove there from any soil which is offensive.

### **4. Rights of Burial – Registration and Proof of**

- 4.1 When a Deed of Grant is made conferring exclusive rights of burial in a private grave, the Grantee shall be registered in the books of the Council. Whenever an additional interment takes place in a grave, the Deed of Grant shall be produced at the Council Offices, to be endorsed with the date of such interment and the name of the person interred.
- 4.2. No additional interment in a private grave may be made without prior production to the Proper Officer the Deed of Grant and the written consent of the Grantee, or of his or her successor in title. Provided always that in case where the Deed of Grant has been lost or mislaid, or where the consent of the Grantee cannot be conveniently obtained, the grave may be opened on approval being given by the Council to the application of any person whom the Council may consider entitled to make such an application.

That person must make to the satisfaction of the Council a Statutory Declaration giving an Indemnity to the Council at their own expense.

## 5. **Administration and Office Hours**

The Council Offices are situated at Unit 1 Lambourne house, Bridge Cross Road, Burntwood, Staffordshire WS7 2BX and are open for the transaction of business on weekdays Monday to Friday 9.30 a.m. to 3.00 p.m. The Office will not be open on Saturdays, Sundays, Good Friday, Christmas Day or other public or bank holidays and any other day set aside by the Council as a holiday.

## 6. **Notice of Interment**

- 6.1 All Notices of Interment must be given on the printed forms supplied by the Council on which the particulars required must be clearly and completely stated. Responsibility for any error therein must rest with the persons signing the Notice. To avoid inconvenience and delay at the grave, the dimensions of the coffin must be supplied at the time that notice of interment is given.
- 6.2 The Council will accept, but at the risk of the person sending the same, any orders of documents sent by post. Three clear working days notice must be given of all burial interments and for burial of cremated remains, exclusive of Saturdays, Sundays, Good Friday, Christmas Day or other public or bank holiday and any other day set apart by the Council as a holiday.
- 6.3 Funeral Directors are requested to give notice to the Council whenever they have a funeral to conduct likely to be numerously attended.
- 6.4 The Certificate of Disposal issued by the Registrar of Deaths in pursuance of the Births and Deaths Registration Act 1926 or the Coroners Order, together with a Death Certificate (or copy) must be delivered with the appropriate completed documents to the Council Offices three clear working days prior to the interment. For the burial of a child stillborn and a non viable foetus, a certificate in accordance with the Births and Deaths Registration Act 1926 will be required. Stillborn children must be coffined separately, except in the case where they belong to the same family, when the Funeral Director or person arranging for their burial must notify the Proper Officer accordingly. In all cases the usual interment forms must be completed and received at the Council Offices three clear working days prior to the interment.

## 7. **Hours of Interment**

All interments shall take place between the hours of 9.30 a.m. to 3.30 p.m. on Tuesday to Thursday and between the hours of 9.30 a.m. to 2.30 p.m. on Friday.

No interments will be allowed on Mondays, Saturdays, Sundays, Good Friday, Christmas Day, or other public or bank holiday and any other day set apart by the Council as a holiday (except in cases of urgency, when a registered medical practitioner's certificate to the effect that the burial must take place quickly must be produced, and arrangements for the interment will be at the discretion of the Proper Officer).

## 8. **Interments**

- 8.1 All graves will be excavated by persons appointed by the Council.
- 8.2 No grave space shall be deepened after the first making thereof.
- 8.3 Coffins and all coffin furniture shall be made of wood or bio-degradable materials.

## 9. **Removal of Remains**

No buried human remains may be removed or disturbed, including relocating coffins in the same grave without a licence from the appropriate Secretary of State.

## 10. **Conduct**

- 10.1 No person shall do anything likely to cause offence to other persons lawfully using the Cemetery.
- 10.2 All visitors shall keep to the paths and walks where possible and shall conduct themselves in a quiet, seemly and orderly manner and no person shall commit a nuisance within the Cemetery.
- 10.3 Children under ten years of age will not be admitted except under the care of a responsible person.
- 10.4 Dogs are not permitted to be in any part of the Cemetery unless they are held on a lead and are a guide dog for a person with sight or hearing impairments attending a funeral or a grave.
- 10.5 No person in the Cemetery shall smoke or be in possession of, or drink alcohol or possess any illegal substance.
- 10.6 No vehicle (except vehicles in attendance upon a funeral or a grave) will be allowed to enter the Cemetery unless the permission of the Council is first obtained. Bicycles must not be ridden on the pathways. At all times a one way system will be in operation and any speed must not exceed five (5) miles per hour.
- 10.7 No band or music will be allowed to play in the Cemetery save at a military funeral or by special consent of the Council.
- 10.8 Visitors or persons attending funerals shall not interrupt the Council's workmen or employees at their duties nor employ them to plant or maintain graves or execute any private work whatever, whether in their own or in the Council's time.
- 10.9 No person shall distribute any tract, business card, advertisement or literature of any kind within the Cemetery.

10.10 No person shall throw down or leave any paper, withered flowers or other litter or refuse of any sort in any part of the Cemetery but shall deposit all such litter or refuse in the receptacles provided for the purpose.

10.11 No person shall cut or interfere with any turf, trees, shrubs, plants, flowers or lawns within the Cemetery.

11. **Admission of Public**

The Cemetery will be open to the public (for visiting, not for interments, as to which see Regulations (8)) daily as follows:

9.00 a.m. until 4.00 p.m. winter, 6.00 p.m. summer

12. **Memorials**

12.1 Memorials may be erected on the concrete plinth at the head of a grave space or a cremated remains plot subject to the permission of the Proper Officer being granted to an approved memorial mason. Approved memorial masons are defined as memorial masons who have signed up to the Council's Memorial Registration Scheme. The right to erect a memorial rests with the 'Exclusive Right deed-holder', or their next of kin or executor, and will be for the unexpired portion of the Grant of Exclusive Right of Burial. Notice must be given to the Proper Officer before carrying out any work in connection therewith. The Council may remove memorials from a grave space or cremated remains plot when the period of the right of burial has expired. No grave mound, kerbing or other surround will be permitted in any section of the Cemetery and grave spaces will be turfed at ground level as soon as possible after an interment.

12.2 Prior to the production of a new memorial, or an alteration to an existing one, an application shall be submitted to the Council. The application shall consist of two drawings with the name and address of the mason detailing the specifications and showing the dimensions and shape of the base and headstone and the text of any inscription thereon. On approval, a signed copy of the drawing will be returned to the applicant as a permit. If the mason commences work on the memorial prior to receiving the Council's permission it will be at their own risk.

12.3 All memorials shall be constructed of granite, marble, slate or other hard natural stone of durable and sound quality as approved by the Council, and shall have the number of the grave space cut conspicuously thereon in a position approved by the Proper Officer, the expense thereof being borne by the applicant. Trade inscriptions other than the supplier's name and district will not be permitted.

12.4 Only lawn type headstones may be erected on Adult or Child Graves. Headstones must be erected in the position indicated by the Proper Officer. The headpiece shall be constructed of a single piece of stone, although they may be inlaid with natural stone, lead or bronze as part of the design or inscription and shall not exceed 90cm (36 inches) in height, 90cm (36 inches) in width or be less than 7.5cm (3 inches) in thickness.

The base must also be constructed of a single piece of stone. The headpiece must be fixed to the base by the approved NAMM method. The headpiece and base must be fixed to the concrete plinth by the approved NAMM method. The overall height of the headpiece and base must not exceed 90cm (36 inches). The headpiece and base or any part thereof shall not protrude beyond the inner edge of the kerb (edging stone) and shall not be greater than 37.5cm (15 inches) in depth. The memorial shall be fixed centrally to the grave space and abutting the inner edge of the concrete plinth edging kerb.

- 12.5 The text on any memorial shall be subject to the approval of the Council.
- 12.6 The base of the memorial may be drilled to accommodate up to three (3) metal vases which do not protrude more than 2.5cm (1 inch) above the base.
- 12.7 Only Desk Top style memorials may be positioned on Cremated Remains Plots. They must be positioned in the position indicated by the Proper Officer. They shall be constructed of a single piece of stone, although they may be inlaid with natural stone, lead or bronze as part of the design or inscription and shall not exceed 22.5cm (9 inches) or be less than 5.0cm (2 inches) in height, 60cm (24 inches) in width. The base must be fixed to the concrete plinth by the approved NAMM method. The memorial or any part thereof shall not protrude beyond the inner edge of the kerb (edging stone) and shall not be greater than 45cm (18 inches) in depth. The memorial may be drilled to accommodate up to three (3) metal vases which do not protrude more than 2.5cm (1 inch) above the memorial. The memorial shall be fixed centrally to the Cremated Remains plot and abutting the inner edge of the concrete plinth edging kerb.
- 12.8 Subject to the permission of the Proper Officer, photographs of the deceased may be affixed to memorials provided that such photographs are of an approved material and do not exceed an overall size of 10cm by 7.5cm (4 inches by 3 inches) and not exceed one per interment.
- 12.9 Memorials of metal, pottery, plastic, glass or fibre glass are forbidden and will be removed without notice.
- 12.10 All workmen employed, on behalf of the owner of the exclusive right of burial or personal representative of such person, to erect any monument shall carry out their work strictly under the direction of the Council and shall:
  - (a) At the cost of the owner, or personal representative, fill up and level the ground, remove all waste and unwanted material and make good any damage or injury whatsoever occasioned in the process of the work.
  - (b) Perform the work during the normal opening hours of the Cemetery.

13. **Execution of Works**

- 13.1 Works may not be commenced at the Cemetery until any fees payable to the Council have previously been paid and any required permission has been granted.
- 13.2 Stonemasons will only be admitted into the Cemetery to install, remove or alter a memorial after an application is made to the Council and permission is granted. The application must be made at least three clear working days before the mason wishes to carry out the work and a mutually acceptable date and time for any work to be undertaken agreed between both parties. A Council Officer or representative must be on site when the work is commenced. All refuse, surplus soil, rubbish and materials shall be removed at the completion of the work to the satisfaction of the Council. No works may be executed on Saturdays, Sundays or other public or bank holiday and any other day set apart by the Council as a holiday.
14. The removal and re-erection of a monument to facilitate the re-opening of a private grave or to level such grave shall be at the expense of the grave owner or their personal representative.
15. Any memorial removed from a grave to facilitate an interment shall be replaced as soon as possible, but in any case, no later than the first anniversary of the last interment.
16. Any unauthorised memorial shall be removed at the expense of the grave owner, or their personal representative.
17. Any memorial erected in the Cemetery remains the property and responsibility of the grave owner or their personal representative and therefore, remains in the Cemetery at the sole risk of, and must be kept in a good state of repair by, the said owner or personal representative.
18. The Council shall not be held responsible for any damage or breakage which may occur to any monument or memorial through any cause whatsoever.
19. Cut flowers and evergreens may be placed in approved vases prior to the placing of a memorial or for a period not exceeding 12 months from the date of interment. No more than two vases per grave or cremated remains plot will be allowed. The vases must be made of stone and measure no more than 22.5cm (9 inches) high or wide. The Council will remove a vase made of any other material. The Council reserves the right to remove flowers for maintenance purposes and to remove them permanently when they are withered. No artificial flowers, ornaments, windmills, lanterns, wind chimes, balloons or fencing are to be placed on or around the grave space or cremated remains plot. Temporary nameplates may be installed for a period not exceeding 12 months

## **CHARGES**

The charges fixed by the Council for the granting of various rights, services and privileges connected with the Cemetery are available by contacting The Council. All charges are payable at the office of the Council.

The Council may from time to time make alterations to the foregoing Rules and Regulations and any Rights of Interment in any grave will be subject to these Rules and any others that may be made by the Council and subject also to any present or future Statutory Regulations.

Any rules and regulations previously in force in respect of Burntwood Cemetery are hereby superseded.

28 October 2008